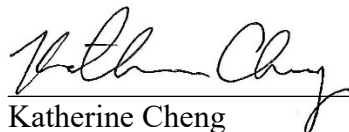


Approved:


Katherine Cheng
Assistant United States Attorney

Before:

THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

23 MAG 4617

UNITED STATES OF AMERICA

v.

BRANDON EVANS,

Defendant.

SEALED COMPLAINT

Violations of
18 U.S.C. §§ 1028A,
1344, 1349, 1708, and 2

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

CONNOR AYERS, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Bank Fraud)

1. From at least in or about July 2022 through at least in or about November 2022, in the Southern District of New York and elsewhere, BRANDON EVANS, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit bank fraud, in violation of Title 18 United States Code, Section 1344.

2. It was a part and an object of the conspiracy that BRANDON EVANS, the defendant, and others known and unknown, knowingly would and did execute, and attempt to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, EVANS agreed to deposit, and deposited, forged and altered checks into bank accounts and subsequently withdrew funds from those bank accounts.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Bank Fraud)

3. From at least in or about July 2022 through at least in or about November 2022, in the Southern District of New York and elsewhere, BRANDON EVANS, the defendant, knowingly executed, and attempted to execute, a scheme and artifice to defraud a financial institution, as that term is defined in Title 18, United States Code, Section 20, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such a financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, EVANS deposited, and aided and abetted the depositing of, forged and altered checks into bank accounts and subsequently withdrew funds from those bank accounts.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE
(Receipt of Stolen Mail)

4. In or about July 2022, in the Southern District of New York and elsewhere, BRANDON EVANS, the defendant, bought, received, concealed, and unlawfully had in his possession, a letter, postal card, package, bag, mail, and an article and thing contained therein, which had been stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, EVANS possessed and deposited corporate checks that were stolen from the custody of the United States Postal Service.

(Title 18, United States Code, Sections 1708 and 2.)

COUNT FOUR
(Aggravated Identity Theft)

5. From at least in or about July 2022 through at least in or about November 2022, in the Southern District of New York and elsewhere, BRANDON EVANS, the defendant, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, EVANS used and transferred the names and debit cards of other persons during and in relation to the conspiracy to commit bank fraud and bank fraud violations charged in Counts One and Two of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

The bases for my knowledge and for the foregoing charge is, in part, as follows:

6. I am an Inspector with the USPIS and have been since 2019. I have been personally involved in the investigation of this matter, and I base this affidavit on my experience working for USPIS, my conversations with other law enforcement officers, and my examination of various reports, records, photographs, and video footage. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions,

statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. Based on my participation in the investigation of this matter, my conversations with other USFIS employees and law enforcement officers involved in this investigation, my review of documents and reports from those agencies, my review of video footage, and my conversations with other individuals, I have learned, in substance and in part, the following:

Bank Fraud Scheme

a. In the fall of 2022, I and other law enforcement officers involved in this investigation identified over 300 checks totaling approximately \$1.5 million that were deposited into the accounts of roughly 90 different account holders (the “Subject Bank Accounts”) at a particular bank (the “Bank”). These deposits were made at automated teller machines (“ATMs”) in Brooklyn and Manhattan between at least July 2022 through November 2022.¹

b. Bank surveillance footage and photographs show that two individuals (“CC-1” and “CC-2”) either deposited these checks into the Subject Bank Accounts or subsequently withdrew funds from those Subject Bank Accounts at ATMs. In order to deposit or withdraw funds from the bank accounts requires the individual making the deposit or withdrawal to have a debit card and pin number of the bank account holder.

c. All of these checks were issued to be paid to various corporate entities and when the checks were deposited, they were endorsed on the back side of the check in the same manner. Specifically, on the line for endorsement, the name of corporate entity to whom the check was made out to was handwritten in all capital lettering and then immediately below the line for endorsement was the full name of an individual, also handwritten in all capital lettering. The name of this individual was the name of account holder of the bank account to which the check was deposited.

d. Based on conversations I and other law enforcement officers involved in this investigation had with certain Manhattan-based issuers of approximately 40 of the checks described above, totaling approximately \$250,000, I learned that these checks were deposited into eight of the Subject Bank Accounts (the “Eight Subject Bank Accounts”) without permission of the issuer, that is, the checks had not reached their intended destinations and were instead deposited by unauthorized persons.

e. Moreover, one of these check issuers had retained a private mail courier service to pick up the issuer’s checks and deliver them to the United States Postal Service (“USPS”) for mail delivery. Records from that courier service show that at least thirty-five of the checks were transferred to USPS custody in Manhattan in or about July 2022. Shortly after the checks were transferred to USPS custody, the checks were deposited into the Subject Bank Accounts.

¹ The Bank’s deposits are insured by the Federal Deposit Insurance Corporation.

Identification of BRANDON EVANS as CC-1

f. I reviewed Internet Protocol (“IP”) history provided by the Bank for the Eight Subject Bank Accounts and learned that all eight accounts were accessed repeatedly and on multiple days between June 2022 and November 2022 from electronic devices using the same IP address, which according to records from an internet service provider, was registered to a subscriber named “Brandon Evans” at an address of a specific apartment on Schermerhorn Street in Brooklyn, New York. Records from the company that owns that apartment building show that an individual named “Brandon C. Evans” was the sole individual on the lease from approximately November 2020 through March 2023.

g. In addition, records from the Bank and CashApp show that one of the Eight Subject Bank Accounts is linked to a separate CashApp account that received at least two payments from the Subject Bank Account in July 2022, and those funds were subsequently transferred to another CashApp account with the username “B Papers,” which has a unique identifier, or “cashtag” of “\$southbeachwade.” CashApp records show that this account is registered to “B Evans” with a date of birth that matches Evans’ date of birth according to law enforcement records. Moreover, this CashApp account also included in its payment history a particular routing number and bank account number associated with a bank account held in the name of “Brandon L Evans.” This CashApp account was also accessed by the IP address referenced in the preceding paragraph on at least 35 different occasions between November 2022 and January 2023.

h. Security footage from the Bank shows an individual who appears to be Evans depositing a stolen check into the Subject Bank Accounts on at least 60 different occasions in both Brooklyn and Manhattan between about July 2022 through November 2022. Cellphone location data for the phone used by EVANS is also consistent with his participation in these transactions.²

i. Furthermore, in these surveillance images and videos from the Bank, Evans is wearing the same clothing and appears to have distinctive tattoos. Specifically, he has at least two tattoos on his right arm, including a Bugatti Automotive logo depicting a backwards capital letter E followed immediately by a capital letter B on his right bicep. He also has a tattoo of Jesus Christ’s head and shoulders on his inner right forearm and a small scar on the middle of his forehead. NYPD records show that Brandon Evans has all of these above-described tattoos according to a New York state parole photograph taken in or about March 2020.

j. In the security footage from the Bank, EVANS frequently wears a black baseball cap that says “DIOR” in white letters across the front of the hat, black Celine sunglasses, two different white shirts with distinctive logos or patterns on the front chest pocket, a black winter jacket with large pockets on the chest, and a black Christian Dior sweatshirt with “CD” on the front. All of these items were recovered from a search of his residence conducted on May 24, 2023, which was conducted pursuant to a search warrant issued by the Honorable James R. Cho, United States Magistrate Judge for the Eastern District of New York, on May 23, 2023.

² This cellphone is subscribed to in the name of EVANS’ mother, and this phone number was the number used to register the “B Evans” CashApp account, as well as the bank account held in the name of “Brandon L Evans,” both referenced in Paragraph 7g.

k. In addition to the articles of clothing, law enforcement officers recovered during the May 24, 2023 search of EVANS's residence approximately 250 checks payable to other individuals, a machine that can encode the magnetic strips on credit and debit cards, multiple identification cards (such as passport cards and driver's licenses) bearing other individuals' names, approximately \$70,000 in cash, approximately 60 cellular phones, over half a million dollars-worth of jewelry, and two firearms, one of which was loaded, among other things.

l. In connection with the May 24, 2023 search, EVANS made statements to law enforcement officers after receiving *Miranda* warnings, and as part of his statements, he admitted that for at least some of the Subject Bank Accounts, he obtained the bank card and pin number of the account holder from that account holder by offering to provide the account holder with a benefit, such as receipt of a percentage of the proceeds from the stolen check that EVANS would deposit into the account holder's bank account.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of BRANDON EVANS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s authorized electronic signature

CONNOR AYERS
Postal Inspector
USPIS

Sworn to before me by reliable electronic means on
this 7th day of June 2023.



THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York